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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,789	06/23/2000	Edward A. Hubbard	UNTD:010	2646

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EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,789

Applicant(s)

EDWARD HUBBARD

Examiner

Kenneth R Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-21, 23-29 and 31-48 is/are rejected.
- 7) ☒ Claim(s) 22 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1 – 4, 6 - 12, 14 – 21, 23 – 29, and 31 - 48 are rejected under 35 U.S.C. 102(b) as being disclosed by London (POPCORN – A Paradigm for Global-Computing).

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- 2.1 Regarding claim 1, London discloses a method of operating a distributed parallel processing system having machine generated sweepstakes entries, comprising:

providing a server system (p. 26 “The Computelet Mechanism”);

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coupling the server system to a network, the network being connectable to distributed devices (Fig. 1 (p. 9); p. 26 “The Computelet Mechanism”);

providing entries to a sweepstakes as an incentive to couple the distributed devices to the server system through the network so that the distributed devices are capable of performing workloads for the distributed parallel processing system (p. 12 “Lottery”; p. 26 “The Computelet Mechanism”); and

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receiving machine generated entries from the distributed devices (p. 26 “The Computelet Mechanism”).

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2.2 Per claim 2, London teaches sending an entry workload to the distributed devices (p. 26 "The Computelet Mechanism").

2.3 Regarding claim 3, London discloses that the receiving step comprises receiving completed results of the entry workload from the distributed devices, the completed results representing a sweepstakes entry (p. 12 "Lottery"; p. 26 "The Computelet Mechanism").

2.4 Per claim 4, London teaches that the entry workload is sent a regular time intervals by the server system (p. 26 "We divide the interval [a,b] to (many) separate intervals and initiate the remote computation of the integral of f on each of these intervals").

2.5 Regarding claim 6, London discloses providing a client agent that operates on the distributed devices to perform workloads and to send to the server system machine generated entries (p. 26 "The Computelet Mechanism"; p. 38 "Software Agents").

2.6 Per claim 7, London teaches that the client agent sends machine generated at regular time intervals depending upon a status for the distributed device (p. 26 "We divide the interval [a,b] to (many) separate intervals and initiate the remote computation of the integral of f on each of these intervals").

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2.7 Regarding claim 8, London discloses that the status comprises whether the distributed device is processing workloads for the distributed processing system (p.26 "The Computelet Mechanism").

2.8 Per claim 9, London teaches sending an entry workload to the distributed device, the client agent utilizing the entry workload to generate sweepstakes entries (p. 12 "Lottery"; p.26 "The Computelet Mechanism").

2.9 Regarding claims 10 – 12, 14 – 21, 23 – 29, and 31 – 48, the rejection of claims 1 – 4 and 6 – 9 under 35 USC 102(b) (paragraphs 2.1 – 2.8 above) applies fully.

Allowable Subject Matter

Claims 5 and 13 are allowed.

Claims 22 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 – 4, 6 – 12, and 14 - 17 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-9700.

KENNETH R. COULTER
PRIMARY EXAMINER



krc
12/24/03